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Ltd.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL)  
ANTITRUST LITIGATION

This Document Relates to Individual Case  
No. 3:11-cv-03856-SI

Case No. 3:11-cv-03856-SI

Master File No. 3:07-md-1827-SI

MDL No. 1827

SCHULTZE AGENCY SERVICES, LLC,  
on behalf of TWEETER OPCO, LLC and  
TWEETER NEWCO, LLC,

Plaintiff,

v.

AU OPTRONICS CORPORATION, et al.,

Defendants.

STIPULATION REGARDING  
DEFENDANT MITSUI & CO. (TAIWAN),  
LTD.'S RESPONSE TO THE FIRST  
AMENDED COMPLAINT AND  
~~PROPOSED~~ ORDER

1 WHEREAS, plaintiff Schultze Agency Services, LLC, on behalf of Tweeter Opco, LLC  
2 and Tweeter Newco, LLC (“Tweeter”) filed a First Amended Complaint (the “FAC”) in the  
3 above-captioned action against defendant Mitsui & Co. (Taiwan), Ltd. (“Mitsui Taiwan”), among  
4 other defendants, on December 6, 2011. (See Master Dkt. #4283.)

5 WHEREAS, on January 10, 2012 most of the defendants filed a joint motion to dismiss  
6 the FAC for failure to state a claim. (See Master Dkt. #4522.)

7 WHEREAS, Mitsui Taiwan did not participate in the defendants’ joint motion to dismiss,  
8 having previously entered into a stipulation with Plaintiffs deferring Mitsui Taiwan’s deadline to  
9 respond to the FAC until after the Court ruled on Mitsui Taiwan’s motion to dismiss for lack of  
10 personal jurisdiction in the related case of *Electrograph Systems, Inc., et al. v. Epson Imaging*  
11 *Devices Corp., et al.*, Individual Docket No. 3:10-cv-00117-SI (N.D. Cal.), Master Docket No.  
12 3:07-md-01827-SI (N.D. Cal.). (See Master Dkt. #4203.)

13 WHEREAS, on February 1, 2012, the Court denied Mitsui Taiwan’s motion to dismiss for  
14 lack of personal jurisdiction in the related *Electrograph* action. (Master Dkt. #4742.)

15 WHEREAS, Mitsui Taiwan’s deadline to move, answer, or otherwise respond to the FAC  
16 in the instant case is February 22, 2012, twenty-one-days after the Court ruled on Mitsui Taiwan’s  
17 motion to dismiss the amended complaint in the related *Electrograph* action. (See Master Dkt.  
18 #4203.)

19 WHEREAS, in the interests of avoiding duplicative motion practice on the question of  
20 personal jurisdiction, Mitsui Taiwan intends to join the defendants’ joint motion to dismiss the  
21 FAC in the instant case as opposed to filing a separate motion to dismiss under Fed. R. Civ. P.  
22 12(b)(2).

23 WHEREAS, in the interests of efficiency and judicial economy, the parties to this  
24 Stipulation have agreed that Mitsui Taiwan, by joining in the defendants’ joint motion to dismiss  
25 the FAC, as opposed to filing a separate motion to dismiss under Fed. R. Civ. P. 12(b)(2), shall  
26 not be deemed to have waived its personal jurisdiction defense.

27 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the  
28 undersigned counsel, on behalf of their respective clients, Tweeter, on the one hand, and Mitsui

Taiwan, on the other hand, that Mitsui Taiwan, in joining in the defendants' joint motion to dismiss the FAC, shall not be deemed to have waived the defense of lack of personal jurisdiction.

Dated: February 21, 2012

By: /s/ Michael E. Mumford  
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Attestation: The filer of this document attests that the concurrence of the other signatories thereto has been obtained.

[PROPOSED] ORDER

IT IS SO ORDERED.

DATED this 21<sup>st</sup> day of Feb, 2012, \_\_\_\_\_.



By: \_\_\_\_\_  
Hon. SUSAN ILLSTON